

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**THE TRUSTEES OF PURDUE  
UNIVERSITY,  
Plaintiff,**

**v.**

**STMICROELECTRONICS N.V.,  
STMICROELECTRONICS  
INTERNATIONAL N.V., and  
STMICROELECTRONICS, INC.,  
Defendants.**

**6:21-cv-00727-ADA**

**SCHEDULING ORDER**

<b>Purdue's Proposed Date</b>	<b>ST's Proposed Date</b>	<b>Event</b>
10/25/2021		Plaintiff serves preliminary <sup>1</sup> infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) is found. Plaintiff shall also identify the priority date ( <i>i.e.</i> the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.
11/1/2021		Deemed Case Management Conference.
11/15/2021		Deadline for Motions to Transfer.

<sup>1</sup> The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of the court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served, and should do so seasonably upon identifying any such material. Any amendment to add patent claims requires leave of court so that the Court can address any scheduling issues.

<b>Purdue's Proposed Date</b>	<b>ST's Proposed Date</b>	<b>Event</b>
11/29/2021	Same as party fact discovery 4/26/2022	Non-Party Fact Discovery opens.
1/4/2022	1/14/2022	Defendants shall serve preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendants contend are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendants contend are directed to ineligible subject matter under section 101. Defendants shall also produce (1) all prior art referenced in the invalidity contentions, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).
1/18/2022		Parties exchange claim terms for construction.
1/31/2022		Parties exchange proposed claim constructions.
2/7/2022		Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. <sup>2</sup> With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
2/14/2022		Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
2/21/2022		Defendants file Opening claim construction brief, including any arguments that any claim terms are indefinite.
3/14/2022		Plaintiff files Responsive claim construction brief.

<sup>2</sup> Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

Purdue's Proposed Date	ST's Proposed Date	Event
3/28/2022		Defendants file Reply claim construction brief.
4/11/2022		Plaintiff files Sur-Reply claim construction brief.
4/14/2022		Parties submit Joint Claim Construction Statement.
4/18/2022		Parties submit optional technical tutorials to the Court and technical adviser (if appointed). <sup>3</sup>
4/29/2022		<i>Markman</i> hearing at 9:00 a.m.
4/26/2022		Party Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
6/6/2022		Deadline to add parties.
7/15/2022		Plaintiff shall file all amended or supplemental pleadings. Any such amended or supplemental pleadings shall be particularized and constitute Plaintiff's contentions for trial. After this date, leave of Court is required for any amendment to infringement contentions. This deadline does not relieve Plaintiff of its obligation to seasonably amend if new information is identified after initial contentions.
8/15/2022		Defendants shall respond to Plaintiff's amended or supplemental pleadings. Any such amended or supplemental pleadings shall be particularized and constitute Defendants' contentions for trial. After this date, leave of Court is required for any amendment to invalidity contentions. This deadline does not relieve Defendants of their obligation to seasonably amend if new information is identified after initial contentions.
10/24/2022		Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.
11/21/2022		Close of Fact Discovery.

<sup>3</sup> The parties should contact the law clerk to request a Box link so that the party can directly upload the file to the Court's Box account.

Purdue's Proposed Date	ST's Proposed Date	Event
12/9/2022		Opening Expert Reports.
1/12/2023		Rebuttal Expert Reports.
1/26//2023		Close of Expert Discovery.
1/23/2023		Deadline for the second of two meet and confer to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
2/6/2023		Dispositive motion deadline and <i>Daubert</i> motion deadline.
2/13/2023		Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
2/27/2023		Serve objections to pretrial disclosures/rebuttal disclosures.
3/6/2023		Serve objections to rebuttal disclosures and File Motions <i>in limine</i> .
3/13/2022		File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .
3/20/2023		File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and email the Court Reporter, Kristie Davis at <a href="mailto:kmdaviscsr@yahoo.com">kmdaviscsr@yahoo.com</a>  Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
3/31/2023		File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .

<b>Purdue's Proposed Date</b>	<b>ST's Proposed Date</b>	<b>Event</b>
4/3/2023		Final Pretrial Conference.
4/24/2023		Jury Selection/Trial.